

NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency
Region 9 (WTR-5)
75 Hawthorne Street
San Francisco, CA 94015
(415) 972-3510

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The Regional Administrator, EPA Region 9 is proposing to issue an NPDES permit for storm water discharges from the municipal separate storm sewer system (MS4) operated by the Commonwealth of the Northern Mariana Islands Department of Public Works on the Island of Saipan. The NPDES permit is required in accordance with the 1987 Amendments to the Clean Water Act (CWA), and final EPA regulations for Phase II storm water discharges (64 Fed. Reg. 68722, December 8, 1999). The proposed permit requires the implementation of a storm water management program to control pollutants in the discharges as required by the CWA. Annual reporting is also required to provide information on the status of the implementation of the storm water management program.

The receiving waters for the discharges consist of various creeks and marine waters. The beneficial uses of these receiving waters vary with- the specific location but may include esthetic enjoyment; propagation and sustenance of aquatic life; recreation including whole or partial body contact; scientific research; conservation of coral reefs and wilderness areas; groundwater recharge; agricultural and industrial water supply; and drinking water supply.

EPA invites all interested persons to submit written comments on the proposed permit and all supporting evidence by the close of the comment period which ends on December 29, 2005. Within the comment period, interested persons may also request a public hearing pursuant to 40 CFR 124.12 concerning the proposed permit. All public comments or requests for a public hearing must be submitted to Lisa Honor, U.S. EPA Region 9 (WTR-5), 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the proposed permit and fact sheet will be provided upon request. The proposed permit, fact sheet and other related documents in the administrative record are on file and may be inspected any time between 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays, at the Region 9 address shown above. The proposed permit, fact sheet and public notice are also available on EPA Region 9's website at <http://www.epa.gov/region09/water/npdes>. Additional information on Phase II of the storm water program is available on EPA's national storm water website at <http://www.epa.gov/NPDES/stormwater>.

A final decision to issue the final permit, or to deny the permit, shall be made after all comments have been considered. Notice of the final decision shall be sent to each person who has sent or delivered written comments or requested notice of the final permit decision.

Within 33 days after EPA's final decision for the permit, any person who filed comments on the proposed permit or participated in a public hearing may petition the Environmental Appeals Board (EAB) to review any condition of the permit decision. A copy of such petition should be sent to the EPA address listed above. Any person who failed to file comments or failed to participate in a public hearing on the proposed permit may petition for administrative review only with regard to changes made from the proposed permit to the final permit. The petition shall include a statement of the reasons supporting the review, including a demonstration that any issue being raised was raised during the public comment period (including any public hearing) to the extent required by these regulations and, when appropriate, a showing that the condition in question is based on: (1) a finding of fact or conclusion of law which is clearly erroneous; or (2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review. Under 40 CFR 124.16 and 124.60, a petition for review under 40 CFR 124.19 stays the force and effect of the contested conditions of the final permit until final agency action under 40 CFR 124.19(f).

Please bring this notice to the attention of all persons who would be interested in this matter.